

Polygraph

OLL 84-3334
30 August 1984MEMORANDUM FOR: Director of Security
STAT Attn: Chief, Administration Law Division
Office of General CounselChairman, Security Committee
Intelligence Community StaffSTAT FROM: Chief, Legislation Division
Office of Legislative LiaisonSUBJECT: House Committee on Post Office and Civil
Service's Report on H.R. 4681

1. Attached for your information and review is the House Committee on Post Office and Civil Service's report (Rept. 98-691) on H.R. 4681, the Federal Polygraph Limitation and Anti-Censorship Act of 1984. Not unexpectedly, the Committee concludes that the polygraph is an unreliable tool except in the narrow context of specific investigations into criminal conduct, and that lifelong prepublication review requirements are deleterious to informed public debate about Government policy. The Committee continues to support the exemption provided in the bill for CIA and NSA, since the polygraph and prepublication review programs in existence at these agencies have been subject to vigorous oversight by other committees of Congress.

2. On page 50 of the attached report, the Committee notes that they have been under pressure to grant exemptions to other agencies. In considering these requests, the Committee rejected an "Intelligence Community" exemption and arguments that employees of agencies which share and have access to the same information as CIA and NSA should be subject to the same security requirements. In the Committee's view, this argument begs the key question of why an agency's functions or mission warrant the infringement upon individual employee rights caused by prepublication review and polygraph examinations. While the Committee states that they will listen to additional requests for exemption based on this key question, agencies are advised that they must meet "a high burden of proof" to justify further exemption.

3. As you know, H.R. 4681 has been sequentially referred to both the House Armed Services Committee and HPSCI, both of which have scheduled hearings in September on this bill. We will have an opportunity in both of these settings to address the findings and conclusions contained in the attached report.

STAT



Attachment

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OLL:LEG:SWH:sm (30 August 1984)